

EXHIBIT I

United States District Court

Northern District of California

UNITED STATES OF AMERICA
v.
TOMORROWNOW, INC.

JUDGMENT IN A CRIMINAL CASE
(For Organizational Defendants)

Case Number: CR-11-0642 PJH

Martha Boersch and Greg Lanier
Defendant Organization's Attorney

THE DEFENDANT ORGANIZATION:

- ☒ pleaded guilty to count(s): One through Twelve of the Information.
☐ pleaded nolo contendere to count(s) ___ which was accepted by the court.
☐ was found guilty on count(s) ___ after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s).

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 U.S.C. § 1030(a)(4)	Unauthorized Access to a Protected Computer with Intent to Defraud and Obtaining Something of Value	4/10/2007	One Through Eleven
17 U.S.C. § 506(a)(1)(A) & 18 U.S.C. § 2319(b)(1)	Criminal Copyright Infringement	10/12/2008	Twelve

The defendant organization is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant organization has been found not guilty on count(s) ___.

☐ Count(s) ___ (is)(are) dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant organization shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization shall notify the court and United States attorney of any material change in the organization's economic circumstances.

Defendant Organization's Federal Employer I.D.: **74-2907158**

Defendant Organization's Principal Business Address:
399 West Chester Pike
Newton Square, PA 19073

Defendant Organization's Mailing Address:
399 West Chester Pike
Newton Square, PA 19073

September 14, 2011

Date of Imposition of Judgment


Signature of Judicial Officer

Honorable Phyllis J. Hamilton, U. S. District Judge
Name & Title of Judicial Officer

September 16, 2011

Date

PROBATION

The defendant organization is hereby sentenced to probation for a term of 3 years.

The defendant organization shall not commit another federal, state, or local crime.

If this judgment imposes a fine or restitution obligation, it is a condition of probation that the defendant organization pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions.

STANDARD CONDITIONS OF PROBATION

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organizations's representative and to be the primary contact with the probation office;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer ten days prior to any change in principle business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; and
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

SPECIAL CONDITIONS OF PROBATION

1. TOMORROWNOW, shall commit no further violations of federal, state, or local law, and shall conduct all its operations in accordance with the laws of the United States.
2. TOMORROWNOW, shall make payment in full of the monetary amounts set forth herein including all special assessments, fines and restitution.
3. If TOMORROWNOW, changes its name, the renamed company shall be obligated to meet all of the obligations of TOMORROWNOW. If TOMORROWNOW merges with another company, the newly created or merged company shall be obliged to meet all of the obligations of TOMORROWNOW. To the extent that TOMORROWNOW does not itself possess the assets to pay the monetary penalties called for, TOMORROWNOW represents and promises that those penalties will be paid by one or more of its corporate parents.
4. TOMORROWNOW, or its successors-in-interest, if applicable, shall provide the government and the United States Probation Office for the Northern District of California with immediate notice of any name change, change in corporation or individual control, business reorganization, change in ownership, merger, change of legal status, sale or purchase of assets, divestiture of assets, or similar action affecting their ability to pay the fine or otherwise comply with the plea agreement. No change in name, change in corporate or individual control, business reorganization, change in ownership, merger, change in legal status, sale or purchase of assets, divestiture of assets, or similar action shall alter Defendant's obligations under the plea agreement. TOMORROWNOW shall not engage in any action to seek to avoid the obligations set forth in the plea agreement.

CRIMINAL MONETARY PENALTIES

The defendant organization shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 4,800.00	\$ 20 million	\$ n/a

☐ The determination of restitution is deferred until __. *An Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amounts listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
<u>Totals:</u>	\$ _	\$ _	

☐ If applicable, restitution amount ordered pursuant to plea agreement \$ _

☐ The defendant organization shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payment Page, Part B may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant organization does not have the ability to pay interest, and it is ordered that:

☐ the interest requirement is waived for the ☐ fine and/or ☐ restitution.

☐ the interest requirement for the ☐ fine and/or ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 United States Code for offenses committed on or after September 13, 1994, but before April 23, 1996.

SCHEDULE OF PAYMENTS

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

A ☒ Lump sum payment of \$4,800 special assessment due immediately, balance due

☐ not later than ____, or

☒ in accordance with () C, () D, or (x) E below; or

B ☐ Payment to begin immediately (may be combined with () C, () D, or () E below); or

C ☐ Payment in _ (e.g. equal, weekly, monthly, quarterly) installments of \$ _ over a period of _ (e.g., months or year(s)), to commence _ (e.g., 30 or 60 days) after the date of this judgment; or

D ☐ Payment in _ (e.g. equal, weekly, monthly, quarterly) installments of \$ _ over a period of _ (e.g., months or year(s)), to commence _ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E ☒ Special instructions regarding the payment of criminal monetary penalties:

Fine in the amount of \$20 million shall be paid within 24 hours of the filing of the Judgment and Commitment Order.

All criminal monetary penalties are payable to the Clerk of the U.S. District Court, Attention: Financial Unit, 450 Golden gate Avenue, Box 36060, San Francisco, CA 94102.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number
(including Defendant
Number)

Defendant Name

Joint and Several
Amount

☐ The defendant organization shall pay the cost of prosecution.

☐ The defendant organization shall pay the following court cost(s):

☐ The defendant organization shall forfeit the defendant organization's interest in the following property to the United States: